

**STATEMENT OF INTEREST OF
THE HONORABLE ERIK P. CHRISTIAN
IN SUPPORT OF CANDIDACY FOR
CHIEF JUDGE
OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
MAY 9, 2016**

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I. INTRODUCTION

The Superior Court of the District of Columbia is unique and has been one of the finest trial courts that operates in the most visible arena in the United States. The Court receives its funding primarily from the Federal government and is the court of general jurisdiction over most local legal matters that are resolved with the support of 117 judicial officers, including 62 active judges, 31 senior judges, and 24 magistrate judges, who are supported by approximately 800 non-judicial personnel. The Court operates several divisions, including the Civil, Criminal, Probate and Tax Divisions, the Domestic Violence Unit, and the Family Court that is comprised of the Family Court Operations Division and the Social Services Division. These Divisions are further supported by the Special Operations Division, the Office of the Auditor-Master and the Crime Victims Compensation Program.

The Chief Judge has the privilege of being the first among equals who serves his colleagues and the community, encourages competing opinions, civility, and mutual respect while warmly inviting colleagues and stakeholders to express their opinions in shaping the best decisions in the interest of justice. The primary duty of the Chief Judge is to lead an effective administration of the Court by determining and communicating the Court's strategic vision and direction in a clear, engaging and exciting way for all stakeholders. Once the vision has been determined, the Chief Judge must perform the task of balancing the two most important resources of personnel and capital budget, focusing on critical priorities to support the strategic plan in efforts to fulfill the vision. The Chief Judge also must have the ability to develop and maintain excellent working relations with Congress, the Office of the Mayor, the City Council, and members of the bar, the media, and the citizens of the District of Columbia. An honest,

strong and respected relationship must be had with each of the judges, senior staff and the entire court personnel in order to successfully fulfill the mission of the Court.

If designated to serve as the next Chief Judge of the Superior Court of the District of Columbia, I am committed to raising the morale of the entire Court family by providing a calm atmosphere that cultivates and fosters respect among my colleagues and all employees and visitors to the Court as it addresses the most important challenges of maintaining the public's trust by administering justice fairly and timely while achieving the mission vision of being open to all, trusted by all, and providing justice for all. It is important that collegiality and respect are restored for my colleagues and all employees in the Superior Court. I believe I possess the necessary mental acumen, intellect, and temperament to serve the Court in a proficient manner if designated to serve as the next Chief Judge. I am committed to working with my colleagues, administrative staff, employees, the community, and various court stakeholders with the view toward administering justice of the highest quality in a rapidly changing society. My education, judicial service and other experiences have prepared me to fulfill this obligation.

Below, I will provide a description of my personal and professional background, judicial experience and intellectual leadership. (See also Appendix A, Resume of Judge Erik Patrick Christian). Then, I will set forth my administrative and management experience that document my interest in court administration. Next, I will address my ability to lead the Court and to promote a sense of cooperation and collegiality among the judges, the Court staff, and other governmental and non-governmental entities, and the ability to promote confidence in the Court and the judicial system. Finally, I will present my vision for the Court's future.

II. PERSONAL AND PROFESSIONAL BACKGROUND

I was born and raised in the District of Columbia and received all my formal education through law school at institutions in the District of Columbia. I graduated from St. Martin's Elementary School, and with distinction from Archbishop John Carroll High School, where I was recently honored and inducted into the school's Hall of Honor in 2012. I graduated with a Bachelor of Arts Degree in English and Political Science, *magna cum laude*, from Howard University in 1982, where I was elected in my junior year as a member of Phi Beta Kappa, and later inducted into the Political Science Honor Society Pi Sigma Alpha. In 1986, I received my Juris Doctor degree from Georgetown University Law Center.

Over the last thirty years, I have been affiliated with the Superior Court in various capacities. Following graduation from Howard University, I volunteered as a criminal defense investigator with the District of Columbia Public Defender Service Agency and the following year, I served as an investigator for criminal defense attorneys practicing under the Criminal Justice Act in the Superior Court. While in law school, I served as a summer associate at the Washington Lawyers' Committee for Civil Rights under Law and then as a law clerk at the private law firm of Webster and Fredrickson in the District of Columbia. After graduating from law school, I worked briefly as an associate at the same law firm practicing civil law with a concentration in bankruptcy law, employment discrimination and general business law. I was then appointed as a judicial law clerk to the Honorable Annice M. Wagner, who was then an Associate Judge of the Superior Court of the District of Columbia. Following a two-year judicial clerkship with Judge Wagner, I was appointed an Assistant United States Attorney for the District of Columbia, where I served in the Appellate, Misdemeanor, Grand Jury and Felony sections of the office, prosecuting homicides, sexual assaults and drug offenses in both the

United States District Court for the District of Columbia and the Superior Court of the District of Columbia.

During the course of my career, I have had extensive administrative and management experiences. While in the U.S. Attorney's Office, I was promoted by then-U.S. Attorney Eric H. Holder, Jr. to be Deputy Chief of the Misdemeanor Trial Section where I supervised approximately thirty trial prosecutors, and was in charge of recruiting, interviewing, and managing attorneys from other federal agencies who applied to serve as Special Assistant U.S. Attorneys in the office. In 1995, I was again promoted by the United States Department of Justice to become First Assistant United States Attorney in the District of the U.S. Virgin Islands, where I served as second in command to the U.S. Attorney. In addition to my administrative and supervisory responsibilities in helping to run the entire office, I prosecuted complex local and federal criminal cases. In 1999, I was appointed by District of Columbia Mayor Anthony A. Williams as the first Deputy Mayor of the District of Columbia. In that capacity, I oversaw several agencies, including the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, the Emergency Management Agency, and the Office of the Chief Medical Examiner. Subsequently, the Mayor appointed me to serve as his Legal Counsel. As Legal Counsel to the Mayor, I provided legal advice to the Mayor on legislation and other issues under consideration by the executive and legislative branches of the District of Columbia. In addition, I worked with staff and members of the Council of the District of Columbia, agency and department heads, and others to implement new laws and executive orders.

On May 31, 2001, the President of the United States appointed me to a fifteen-year term as an Associate Judge of the Superior Court of the District of Columbia. In March 2016, the

District of Columbia Commission on Judicial Disabilities and Tenure recommended by letter to the President of the United States, after finding that I was “well qualified”, that my judicial service be automatically extended for a second term as an Associate Judge. (See Appendix B, Letter dated March 30, 2016, from D.C. Commission on Judicial Disabilities and Tenure to President Barack H. Obama).

III. JUDICIAL EXPERIENCE AND INTELLECTUAL LEADERSHIP

During my past fifteen years of service on the Bench, I have had the opportunity to serve in almost every Division of the Court; that is, the Criminal Division, the Civil Division, and the Probate and Tax Divisions. In addition, I have served in the Domestic Violence Unit, where both civil and criminal misdemeanor cases associated with domestic violence are processed and litigated. Although I have not yet served full-time in the Family Court, I presided over many child abuse and neglect cases when those cases were formerly assigned and heard in the Family Division, which subsequently became the Family Court. I also have volunteered to hear New Referral cases (Juvenile Arraignments) in the Family Court. In addition, I have had extensive experience in other family law issues that arose in all of the Divisions of the Court where I presided, especially the Domestic Violence Unit and the Probate and Tax Divisions. I have been the Presiding Judge of the Probate and Tax Divisions since January 2015, and for the previous two years I served as the Deputy Presiding Judge in those Divisions. By serving in all of these Divisions, I have presided over almost every type of case litigated in Superior Court and obtained an understanding of the administrative support necessary to support each division.

In every assignment, I have strived to find ways to resolve cases expeditiously and efficiently while assuring fair dispositions. In the middle term of my first assignment on the

criminal misdemeanor calendar in 2001, the Chief Judge assigned me to the D.C./Traffic Court where I was successful in reducing a substantial backlog of cases that had been pending for several years. My approach served as an example which helped other judges assigned to that court to maintain a manageable caseload. I continued in this assignment until I was assigned in January 2003 to a Felony II calendar in the Criminal Division.

On the Felony II calendar, I continued to achieve management efficiencies while preserving fairness in the proceedings. In that assignment, I presided over hundreds of jury trials involving serious felonies, including drug and firearm offenses, assaults and other violent crimes. During this high volume assignment, I became the first judge to attempt to survey jury panelists about their court experience in my courtroom by sending to each panel member and selected juror an appreciation letter that acknowledged their important civic duty service and welcoming feedback about their experience. Many citizens responded to my letters with gratitude and constructive comments. (See Appendix C, Trial Juror Letters). I am pleased to say that my practice of sending thank-you notes to jurors has been widely adopted by many of my judicial colleagues.

Upon the invitation of the Chief Judge, I have participated with other colleagues in court-sponsored dialogue with jurors who have previously served in the Superior Court. Similar to the feedback received from juror letters sent to my Chambers, the conversations with these jurors enabled the Court to gain the perspective of jurors in order to more efficiently and effectively manage the process of jury selection and service. I have been a member of the Superior Court Standing Committee on Jury Management for over ten years, and we have worked with numerous partners and community groups, including the Council for Court Excellence, on ways to improve jury service in the District of Columbia.

After serving in a Felony II assignment for three years, where I often volunteered to assist other colleagues in their assignments by presiding over preliminary hearings, motion hearings and trials certified to my courtroom from Felony I and Accelerated Felony Trial calendars, the Chief Judge assigned me in 2006 and 2007 to a Felony I Calendar, one of the most challenging and coveted assignments on the Bench in the Court. (See Appendix D, Thank you comments and notes from my Colleagues where I have assisted them in calendar assignments and in trial instruction outside courthouse).

The Felony I calendar is a specialized assignment reserved for judges who have served in a variety of the Divisions of the Court, who have gained experience across the spectrum of the entire Court's caseload, and who have substantially contributed to the Divisions to which they have been assigned. While serving on the Felony I calendar, I presided over the most complex criminal trials which encompassed first degree murder charges, sex offenses and the most serious felony charges, many of which were of a high profile nature. These cases required a judicial officer who was knowledgeable and capable of handling complex constitutional legal issues and many administrative aspects of a criminal prosecution.

In addition to the trial work of a Felony I judge, much of the assignment involved reviewing and resolving post-verdict and post-sentencing motions filed such as motions to reduce sentences, for new trials, and to vacate guilty pleas and convictions on the basis of ineffective assistance of counsel or other claimed trial errors. These matters were often resolved after evidentiary hearings and the issuance of written opinions and orders. Included herewith is an example of a criminal case affirmed on appeal following an opinion and order that I issued on a collateral attack motion under D.C. Code §23-110, ineffective assistance of counsel claim. (See Appendix E, Ineffective Assistance of Counsel order pursuant to §23-110).

In 2008, I volunteered to serve in the Domestic Violence Unit. I was commended by the Chief Judge for volunteering to serve for two years in that high volume assignment, presiding over civil and criminal cases where allegations of domestic violence had been asserted by victims and cross-complainants. (See Appendix F, Commendation note from the Chief Judge).

From 2010 to 2013, I was assigned to the Civil Division where I authored and issued numerous opinions while returning to a jury trial assignment. This assignment also included the responsibility of presiding over a high volume calendar in Landlord and Tenant Court.

In 2013, I was appointed Deputy Presiding Judge of the Probate and Tax Divisions. This assignment required not only legal mastery of the subject matter, but also administrative skills. I served as Deputy Presiding Judge for two years and then in 2015 was appointed Presiding Judge, where I presently serve. Unlike the Presiding Judges in the majority of the other court Divisions, as Presiding Judge of the Probate and Tax Divisions, I am responsible for the management of both of the Divisions as well as charged with presiding over a full calendar of probate and tax cases. Cases litigated in the Tax Division consist of those in which petitioners appeal real property tax assessments believed to be incorrect or illegal and denials of tax exemptions. I have found the majority of the cases heard in the Probate and Tax Divisions to be challenging and rewarding and have gained a vast amount of knowledge and experience from handling them.

I thoroughly enjoyed all of my judicial assignments and believe that I have substantially contributed to the development of the law in the District of Columbia through my judicial opinions and rulings. One case of particular significance is Aguilar, et al. v. RP MRP Washington Harbour, LLC, et al., 98 A.3d 979 (D.C. 2014), where the District of Columbia Court of Appeals noted that this was a case of first impression, in affirming my decision, and holding that plaintiffs who were service industry employees in restaurants at the Washington

Harbour were barred from recovery of lost wages when their places of employment were destroyed by floods caused by negligent acts of third parties. (See Appendix G, Written Opinion and Order in Aguilar v. Wash. Harbour and Appellate Order Affirming Decision).

A second case of importance that I issued an opinion in is Rosen v. American Israel Public Affairs Committee, Inc., et al., 41 A.3d 1250 (D.C. 2012), where the Court of Appeals in an extended opinion affirmed my decision to grant summary judgment in a defamation lawsuit where the alleged statement was not “provable false, and therefore, not defamatory as a matter of law.” (See Appendix H, Written Opinion and Order in Rosen v. AIPAC).

Another notable judicial decision that I authored was in the case of Monteilh v. American Federation of State, County and Municipal Employees, AFL-CIO, No. 12-CV-453 (D.C. Feb. 8, 2013), where the District of Columbia Court of Appeals affirmed my written decision in a Memorandum Opinion and Judgment that reviewed the standard for determining subject matter jurisdiction under claims of discrimination, retaliation, and hostile work environment under the D.C. Human Rights Act. (See Appendix I, Written Opinion and Order in Monteilh v. AFL-CIO).

Since being assigned to the Probate Division, I have authored numerous opinions following will contest trials and claims to establish heirship to an estate. Many of these cases turned on the finer points of law. (See Appendix J, Written Opinions and Orders in Betty L. Henderson and Smith v. Estate of Fields).

Having provided a representative sample of the significant cases that make up my appellate record, included herewith is a written submission of a printout of the entire appellate record from my trial court decisions. (See Appendix K, Judge Erik P. Christian DCCA Appellate

Record). As of May 4, 2016, 381 cases were appealed with an affirmance rate of over ninety-five percent. Moreover, the vast majority of cases I presided over were not appealed.

In addition to my work on the Bench and at the Courthouse, I take great pride in teaching the law. I am presently an Adjunct Professor at Howard University Law School and the Washington College of Law at American University, both in Washington, D.C. At each law school, I co-teach both Civil and Criminal Trial Advocacy courses to second and third year law students. I have taught at American University since 2009, where I have taught the spring, summer and fall sessions. I began teaching at Howard Law School in 2011, where I started co-teaching successive spring and fall sessions in both Civil and Criminal Trial Advocacy courses. During the spring semester 2016, I taught Civil Trial Advocacy at both Howard and American University law schools.

One of the greatest joys of being a teacher is learning that your students have benefitted from your instruction and are succeeding in their future endeavors. The evaluations professors receive from their students provide an important benchmark which can be used to evaluate real success in the classroom. Attached are copies of student notes and a few student evaluations from both Howard and American University law schools. (See Appendix L, Select Student comment sheets and evaluations from both law schools). I also have found that by teaching law students and training others, including judicial colleagues and other agency employees, a judge's ability to perform his job is enhanced, while also permitting one to give back to the community.

During the school year and over the summers, I have allowed many high school, college and law students to work as interns in my Chambers and observe court proceedings. I believe it is extremely important to provide students with an opportunity to develop in their profession by working on real cases so they are able to contextualize their education and law school

instruction. I have always found the work the interns provide to be beneficial to me and extremely rewarding for them. I have cherished the letters of appreciation from the students who have served in Chambers over the past several years. (See Appendix M, Select Student Interns' Thank-you notes).

In addition, I have had the opportunity to preside over several mock trials and court proceedings for area law schools. Primarily, I have annually been asked to serve as the presiding judge of American University's Capitol City Challenge Mock Trial Championship where teams from over fifteen law schools participate and compete in a mock trial competition over several weekend days. The competition brings great joy to all of the participants, including the more than 120 state and federal judges, prosecutors, public defenders, and private practice attorneys serving as competition evaluators. (See Appendix N, Community Service as Mock Trial Judge in Regional Trial Competitions).

IV. ADMINISTRATIVE AND MANAGEMENT EXPERIENCE AND LEADERSHIP

I have significant administrative and management experience. First, I was Deputy Chief of the Misdemeanor Trial Section in the Office of the United States Attorney for the District of Columbia. As Deputy Chief, I was charged with the management and supervision of thirty trial prosecutors who were divided into five teams. I was responsible for designating weekly assignments to all of the misdemeanor assistants. In addition, I participated in strategic planning with other office supervisors and the United States Attorney, submitted section budget requests, and attended stakeholder meetings with other agencies and community members.

The scope of my managerial responsibility expanded when I was appointed in 1995 as the First Assistant United States Attorney for the District of the U.S. Virgin Islands. After having

been interviewed by former United States Attorney General Janet Reno and then Associate Deputy Attorney General David Margolis, along with the U.S. Attorney for the Virgin Islands, I was appointed as the First Assistant United States Attorney of the Virgin Islands. In that position, and on occasions as Acting U.S. Attorney, I assumed full responsibility for the entire operations and management of the offices on the islands of St. Thomas and St. Croix. On a much larger scale, I supervised personnel decisions, with respect to employment, duty assignments and other human resource issues and capital project plans. I also, with the assistance of the Executive Office, formulated the budget request for various fiscal years and petitioned for certain assistance when the need may have arisen.

In 1999, Anthony Williams was elected as the fifth Mayor of the District of Columbia. Shortly thereafter, Mayor Williams appointed me as his first Deputy Mayor for Public Safety and Justice. As Deputy Mayor, I was charged with overseeing all of the agencies in the Public Safety cluster, including the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Emergency Management Agency, the Department of Corrections, and the Office of the Medical Examiner. I was personally proud, for example, that based upon my prior managerial duties, the District of Columbia experienced a dramatic decrease in crimes of all categories throughout the City. In addition, I caused to have implemented in the Fire and Emergency Medical Services Department the means by which medical first responders would arrive on the scene at a faster rate to assure the safety and lives of those with medical emergencies. I also was tasked to reinstitute the Criminal Justice Coordinating Council (CJCC), which serves as an independent agency dedicated to improving the administration of criminal justice in the City. The CJCC is comprised of criminal justice agencies and stakeholders with members such as the Chief Judge of the Superior Court, the Deputy Mayor, representatives of

the United States Attorney Office, Office of the Attorney General, the D.C. Public Defender Service, and other federal and local agencies and individuals. All of these agencies are tasked to collaborate on problem- solving solutions to reduce the rate of crime in specific communities and to provide resources where necessary. Of final note, as Deputy Mayor, I revived the Citizens Complaint Review Board, now known as the Office of Police Complaints to investigate and resolve police misconduct complaints filed by the public against Metropolitan Police Department and D.C. Housing Authority officers.

In addition to working directly with police and fire chiefs and leaders of the various other public safety agencies, I worked closely with their respective chief financial officers to prepare annual operating budgets and capital financial plans to be submitted to the City Council for review and hearings prior to being submitted to Congress for approval. On occasion and during these reviews, I was called before the Council to testify on the basis for certain agency requests. Outside of hearings, I directly briefed Council members on budget and reprogramming issues as well as on any programs initiated in the Executive Office of the Mayor dealing with Public Safety issues. Based upon the nature and mission of these core agencies, the experience provided me with an unparalleled administrative and managerial ability to manage almost any existing enterprise.

The foregoing only highlights my administrative and managerial experience while employed in these prior positions. My present administrative and managerial experience while employed as a judicial officer also distinguishes my ability to lead and manage the court system effectively.

V. INTEREST IN COURT ADMINISTRATION

My interest in Court Administration has evolved over many years because of my extensive management experience, as documented above. Becoming a court administrator is a wonderful way to positively touch the lives of many people in the court system and give back to the citizens of the District of Columbia. As I moved throughout my career I became more and more concerned about how I could continue to make a practical, positive, and meaningful difference in the lives of the people in our City. In seeking the current appointment, I am excited by the opportunity to lead a group of faithful and competent leaders and employees to implement a strategic plan through the core values set forth by the Court.

While serving on the Bench, the Chief Judge has appointed me to numerous Standing Committees. This work is extremely critical, and it enhances the administration of justice in the District of Columbia. The Committees that I have been appointed to serve on and presently serve on consist of the following:

1. Superior Court Rules Committee
2. Probate and Fiduciary Rules Advisory Committee-Chair
3. Probate Education Committee-Chair
4. Probate and Fiduciary Panel Implementation Committee-Chair
5. Tax Rules Advisory Committee-Chair
6. Criminal Rules Advisory Committee
7. Criminal Justice Act Panel Implementation Committee
8. Jury Management Committee
9. Court Interpreters Committee
10. Buildings and Grounds Committee

11. Security Committee

12. Art Trust Fund Committee

Through the work in my judicial and committee appointments and assignments, I have become intimately familiar with the work and operations of the entire court system to the extent that I would be able to seamlessly transition into the role of the next Chief Judge.

During my tenure in the Criminal Division and in the Domestic Violence Unit, I was a member of several ad hoc and Standing committees. I also volunteered to train judicial colleagues and other members of criminal justice agencies that frequently interact with the Court, including employees of the Public Defender Service of the District of Columbia (PDS), the Pretrial Services Agency (PSA) and U.S. Probation Officers employed by Court Services and Offender Supervision Agency (CSOSA).

In October 2014, the Chief Judge designated me as the only judicial officer who would receive a scholarship award to attend the National Judicial College in Reno, Nevada when I enrolled in the course entitled Management Skills for Presiding Judges. The course was devoted to the unique challenges a judicial officer in management faces in providing leadership to a court, managing human resources and motivating colleagues on the bench. The course also covered the practical application of strategic planning, budgeting, dealing with the media and ethical concerns. This course provided me with an opportunity to enhance my management skills and abilities, while comparing those to chief judges and judicial managers in courthouses across the country.

Presently, I am Chair of the Probate Division Rules Committee, which consists of members from both the Bench and Bar. During my present term as Chair, my committee was able to complete substantial revisions to the Probate Rules, including Trusts rules, which are now

ready for submission for review and approval to the Superior Court Rules Committee, of which I am also a member. The Superior Court Rules Committee is a committee through which all new, amended, and deleted rules must be analyzed, debated, and approved before they can be forwarded to the Superior Court's Board of Judges for statutory approval, and then submitted to the District of Columbia Court of Appeals for its approval. Presiding and Deputy Presiding Judges are automatically assigned to the Superior Court Rules Committee. However, the Chief Judge assigned me to this important committee when I was in the Civil Division in 2012.

Last year, the Chief Judge assigned me to chair the Probate Fiduciary Panel Implementation Committee of judges to review attorney applications to serve on the panel of members selected to represent citizens appearing before the Court who have been found to lack capacity in guardianship and conservatorship cases. Similar to the work of my other committee assignments, this committee work was very important and required extraordinary time and energy while working with an advisory group of probate attorneys, along with present and former probate judges, to select the most qualified individuals to serve on the panel.

As Presiding Judge of the Probate and Tax Divisions, I have participated in many training programs for the Bench and Bar. In 2012, I participated with another colleague in training judges on how to handle probate cases and hospital cases while on the emergency duty assignment. In addition, I have participated in training sessions for the bar and probate practitioners, most recently with the newly enacted Guardianship Amendment Act of 2014 that became effective in January of 2015. For the past three years, I served on panels at the annual Guardianship Assistance Program Conference to speak on best practices and views from the Bench in the Probate Division. I also assisted in the training and discussion of the Electronic Filing system that began in 2013. I am especially proud of the work my committee members and

I have done in the Probate Division to address changes in the law and to adopt practice standards and case management requirements to ensure attorney competence and the use of best practices.

I am also Chair of the Tax Rules Committee, which in the first few months of assembly in 2015, was able to work with commercial tax attorneys to substantially reduce the backlog of cases that had been settled in principle, but were still characterized as pending on the Court's calendar. This committee is presently working on other rules and initiatives that will produce greater results for the Division in 2016.

VI. ABILITY TO LEAD THE COURT AND TO PROMOTE A SENSE OF COOPERATION AND COLLEGIALLY AMONG THE JUDGES, THE COURT STAFF, AND OTHER GOVERNMENTAL AND NON-GOVERNMENTAL ENTITIES; AND ABILITY TO PROMOTE CONFIDENCE IN THE COURT AND THE JUDICIAL SYSTEM

Since 2009, the Chief Judge has designated his presiding and deputy presiding judges in each of the Divisions as members of his Judicial Leadership Team, which was formally created by Administrative Order in 2015. I was honored to become a member of the Judicial Leadership Team when I was appointed Deputy Presiding Judge of the Probate and Tax Divisions in 2013. Being a member of the Judicial Leadership Team is an enormous responsibility. The team is charged with supporting the Chief in the administration and implementation of the District of Columbia Courts' strategic plan by developing strategies to identify current and future issues that impact the operations of the Court. Some of the additional roles and responsibilities of team members consist of participating in community related activities, such as town halls and community meetings, in order to educate the public about the administration of justice at the Court. In addition, team members are required to be available to mentor members of the Superior Court judiciary in leadership and judicial skills, as well as to foster a culture of

inclusiveness and teamwork within the Superior Court judiciary. I am proud to have been a member of the Judicial Leadership Team for three and one-half years. However, many of my contributions prior to becoming a member were consistent with the obligations of, and duties performed, by a Judicial Leadership Team member.

While promoting and fostering a strong judiciary and workforce as outlined as a strategic goal of the D.C. Courts' present strategic plan, to have an effective administration of justice, it is imperative that the Court have a team of judicial officers and court personnel who exude competence and are committed to public service. As a Presiding Judge, I have consistently strived to adhere to the Courts' core values set forth in its strategic plan by being accountable, pursuing excellence, showing fairness, maintaining integrity, having respect and being transparent. As Chief Judge, I would work toward building a culture that maintains these shared values that are applied consistently from top to bottom, across all divisions and departments. My administration will be transparent, fair, open, and supportive. When these values are adhered to, employees feel safe and respected, enabling them to perform at their best.

Outside the Courthouse, the Chief Judge must maintain a cordial and cooperative working relationship with every local and federal stakeholder. As noted above, I have had the opportunity to work effectively with the community, court partners, local and federal agencies, legislative bodies and the executive branch. In addition, I have been an active participant in the affairs of a number of Bar associations and sections in the District of Columbia.

VII. FUTURE VISION OF THE COURT

Strategic Plan

The Courts' strategic plan calls for an overall method of appropriately and timely processing and resolving cases to completion. To this end, part of the Court's Fiscal Year 2017 request is to seek approximately \$500,000 to upgrade the Superior Court's antiquated juror management system which will assist in creating a jury yield that would summon only the necessary number of citizens to Court on a given day. Presently, the jury yield is approximately 22%, which represents the percentage of jurors who appear after having been summoned to serve as jurors. Although this percentage number represents the national average, as Chief Judge, I would work on increasing the percentage to allow for the necessary number of jurors to be present so that cases can proceed to trial on a timely basis and be resolved without undue delay. One way to increase the jury yield is to provide for an on-call system where jurors summoned for a certain day can be called at a certain contact number only when they are needed to appear for a given day. Hopefully, with the upgrade in the overall juror management system and with the continued collaboration with the Council for Court Excellence, a sufficient number of jurors will appear to serve and have their return date for new jury service pushed back from two to every three years or even later.

One of the strategic goals in Fiscal Year 2017 is to improve access to justice. The Court has requested approximately \$1,000,000 to create a self-help center to assist unrepresented litigants in probate cases with estates and guardianships of incapacitated adults. Recognizing that the Probate Division is the fastest growing division in the Superior Court because of our City's rapidly changing demographics, it is extremely important and urgent that funding and resources

are provided to assist in the processing of these additional cases that are often filed by self-represented petitioners. Hopefully, similar resources will be available in the future to address the surge in civil filings by self-represented parties.

Criminal Division

D.C. Code § 11-902 establishes the Court's Divisions and creates the Criminal Division. Superior Court Criminal Procedure Rule-1 directs the Criminal Division to "provide for the just determination, secure simplicity in procedures and fairness in administration and elimination of unjustifiable expense and delay of every criminal proceeding in the District of Columbia." To achieve this directive, the Criminal Division promotes operational efficiencies, automates operations, and partners with our law enforcement agencies, city agencies, and the private sector to ensure public safety, improve services to the public, and to enhance the health and welfare of every D.C. resident.

This month, the Court will temporarily expand its Electronic filing (E-filing) program to include criminal and domestic violence cases for all filers except self-represented persons. This is a significant and necessary improvement that will increase efficiency, lower costs, and ultimately lead to a more timely resolution of criminal and domestic violence cases. However, to implement E-filing in those divisions on a permanent basis, the Court must ensure our technological infrastructure can support the additional E-filing; the selected vendor can train and support E-filers; and the Court can execute the end product from our vendors.

Related to E-filing, the Court must accommodate contemporary methods of communication. E-filing is an important step in our transition from paper and pen communications. However, it does not address the dominant mode of communication today – email. Towards this end, I would direct the Technology Committee to work with the Criminal

Division to accept emails, convert them to motions, when appropriate, and process them like paper pleadings presented to the Clerk's office. The Court cannot communicate with the public unless everyone is speaking the same language and from the same book.

The Superior Court Drug Intervention Program (SCDIP), generally referred to as Adult Drug Court, began in 1993 and is one of the oldest drug court programs in the country. Going forward, SCDIP should seek to expand its impact on the national and international drug court community by working with the Pretrial Services Agency to become certified by the National Association of Drug Court Professionals (NADCP) as a model drug court program. Further efforts should also be made to expand the types of cases eligible for drug court admission. For example, more felony cases where, based on a defendant's criminal history score he/she would be probation eligible upon conviction, should be considered for admission to SCDIP when the defendant is also in need of treatment. Additionally, SCDIP and its program partners should seek to increase community support for the program. This could be achieved through a more comprehensive media and information distribution effort that would include inviting more community based organizations and leaders to visit the program and attend its monthly progression and graduation ceremonies.

In recent years, the Court has expanded its problem solving courts – most notably the Community Courts. The Misdemeanor Community Courts seek to reduce low-level and quality of life offenses throughout Washington, D.C. by utilizing a collaborative, problem-solving approach to crime. Partnering with government agencies, neighborhood residents, community organizations, social service providers, faith-based groups, non-profit organizations, and businesses, the Community Courts seek to hold offenders accountable, address the root cause of criminal behavior, improve the quality of life in Washington, DC neighborhoods, and increase

the public's confidence in the court system. In order to make the Community Courts more effective, the Court must secure more funding, improve coordination and cooperation with service providers, expand deferred prosecution and deferred sentencing agreements, work with the City and the private sector on job training and education programs, and leverage our resources with those provided by the Deputy Mayors for Public Safety, Education, and Greater Economic Opportunity.

As Chief Judge, in consultation with my colleagues and the various agencies, I would develop a program to evaluate whether the mission, goals and objectives of these innovative problem-solving courts are being met. The Community Courts' evaluation would focus on process as well as outcomes over the last four years. I would task our evaluator to provide information on the percentage and numbers of program completions, community service hours completed overall, the extent to which the Community Courts' Diversion programs have reached the target populations, effect of any program changes, the effects of specific treatment options on program completion, community service activities associated with successful outcomes, reoffending characteristics, and cost savings to the criminal justice system and the court. In particular, we need to determine how successful we have been in getting defendants assessed for social service needs. We have not yet identified a validated assessment tool to identify the social services needed by defendants. We also need to identify which entity would administer the assessment and which service partners would be used to address the defendants' needs. As with all of our Court's innovative approaches to problem-solving initiatives, we must be certain that our programs are evidence-based and employ best practices. That means that outcomes must be measured and assessed.

Family Court

The mission of the Family Court is to protect and support children brought before it, strengthen families in trouble, provide permanency for children and decide disputes involving families fairly and expeditiously while treating all parties with dignity and respect. This mission has been undertaken in collaboration with our citizens and community organization partners. Our judges and managers work closely with our collaborative partners at the Child and Family Services Agency (CFSA), Office of the Attorney General (OAG), DC Public Schools (DCPS), Department of Behavioral Health (DBH), Public Defender Service (PDS), Department of Youth Rehabilitative Services (DYRS), Metropolitan Police Department (MPD), the DC Bar Pro Bono Program, DC Bar Family Law Section and the Children's Law Center, and others. This collaborative approach is reflected in all Family Court case types.

Child Abuse and Neglect

From 2006 to 2015, the number of new child abuse and neglect referrals decreased by 24%. This can often be attributed to policy changes at CFSA which result in more cases coming under in-home supervision through CFSA, as opposed to having cases petitioned in court. The number of new cases involving children 13 years of age and older at the time of referral has also declined during that time period. However, almost a quarter (24%) of new abuse and neglect cases in 2015 involved referrals of "older children". Given the large number of older youth entering the system, as Chief Judge I would collaborate with abuse and neglect stakeholders to prioritize services for this population. In particular, I would urge stakeholders to ensure that appropriate mental health, educational and substance abuse services are provided to address issues that plague this population. I would also seek to enhance focus on permanency for older

children in care by working with stakeholders to build community and family connections essential to the well-being, stability and life chances of these vulnerable children.

Paternity and Support

In 2015, there were 1,765 child support and paternity actions filed in the Family Court, and 31 cases were reopened. Our court met and exceeded federal regulations that mandate that child support orders be established in 75% of cases within six months of service of process. However, these statistics do not tell the whole story. All too often, child support orders are set at minimum levels because respondents subject to these orders are unemployed or underemployed non-custodial parents. Most often the non-custodial parent is a father. These minimum orders are a lost opportunity to identify and remove barriers for fathers who want and need to be more fully involved with their children, financially and emotionally. The Fathering Court - - established more than a decade ago - - was an innovative problem solving effort designed to encourage and equip fathers with the ability to meet their child support obligations while restoring relationships between them and their children. Consistent with that effort, as Chief Judge, I would collaborate with stakeholders to implement a process whereby before any permanent support orders are entered, every non-custodial parent that is unemployed or underemployed would be screened to determine whether barriers to employment exist. To address such barriers, I would work with District agency partners -- Department of Employment Services (DOES), OAG, and the Child Support Services Division (CSSD) to put in place personalized employment services to address job readiness and employment opportunities. CSSD job readiness workshops should be required for all non-custodial parents requesting minimum support orders. Moreover, to address parents presenting with substance abuse and

mental health issues, I would recommend that referrals be made to the Department of Behavioral Health (DBH) to increase the ability of parents to meet their child support obligations and maintain a proper parent-child bond.

Domestic Relations

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulment, child custody and adoption. In 2015, more than 4,500 cases were filed and most involved self-represented litigants. The Family Court Self-Help Center, which was established after the passage of the D.C. Family Court Act, provides free information to litigants in domestic relations matters on a walk-in basis. The Center is staffed by pro bono attorneys who are members of the Bar. Although attorneys in the Center do not provide legal advice, they offer self-represented litigants valuable and important information on how to navigate the court process. The Center's attorneys also provide self-represented litigants with standard court orders that address a variety of topics, and those form orders are available in both English and Spanish. In 2015, the Center served over 6800 customers. Of the parties providing data on income, 52% of those assisted by the Center reported monthly incomes of \$1,000 or less. As Chief Judge, I would continue to ensure that our Center is adequately staffed and supported.

Juvenile

Our juvenile case filings decreased by 30% in 2015. I believe that this decrease in case load presents the Family Court with an opportunity to possibly expand an innovative calendar, the Juvenile Behavioral Diversion Program (JBDP). This stand-alone calendar offers juveniles with diagnosed mental health needs an opportunity to participate in community-based mental health services while their cases are diverted from the traditional juvenile calendars. At present,

all youth entering the juvenile justice system are given an initial mental health screening by CSSD to identify any mental health needs. These initial self assessments, as well as subsequent mental health screenings, reveal that a large number of young people coming into the system present with Attention Deficit Disorder, Oppositional Defiant Behavior Disorder, Impulse Control Disorders and anger issues as well as trauma-related behaviors. As Chief Judge, I would request that our juvenile justice stakeholders (the judges, CSSD, OAG, PDS and DBH) determine whether it is desirable and feasible to expand the JBDP to all of the juvenile calendars so that these community based mental health services can be made available to more young people who would benefit from having their mental health needs addressed as they progress through the pre and post disposition phases of their cases.

Civil Division

The Civil Division has jurisdiction over any civil action at law or in equity brought in the District of Columbia, except where jurisdiction is exclusively vested in the Federal court. The mission of the Civil Division is to support the decision-making role of the judiciary, to deliver quality services to all users of the case processing system and to facilitate the timely resolution of civil cases. One of the primary objectives that should be reinforced is to ensure procedural fairness to litigants by providing respectful treatment of customers, impartial case processing, and clear explanation of court procedures.

In 2015, the Civil Division experienced a calendar surge of cases by approximately eighteen percent. This was due in large part to the number of judicial vacancies, compounded by the inability to address prolonged illness, death and other unanticipated emergencies. As a result, trial date certainty and continuity, which were hallmarks of the Division, were endangered by both the unavailability of judges and judicial vacancies. In the past, a Civil Division judge

was asked to schedule two to three trials per week, but when judicial resources diminished, judges were only able to schedule one trial per week. As a result of this scheduling, early trial dates were eliminated, and dates were scheduled far off to accommodate existing judicial resources. As Chief Judge, I would try to better utilize services of Senior Judges in order to meet the goals of the Court.

During Fiscal Year 2014, the Civil Division consolidated all mortgage foreclosure cases into a single calendar. Although this was a noble effort to streamline the process for efficient case management, the actual number of cases surged due to an effective four-year stay on foreclosures in the District of Columbia. When the stay was recently lifted, the one calendar contained approximately 600 cases that needed resolution. Efforts were made to resolve cases through mediation, but many contested cases remained on the calendar. Eventually, these cases were assigned to the same Civil II calendars that experienced a surge in 2015. Unfortunately, many of those transferred cases had motions that had been pending over an inordinate period of time. Presently, the Foreclosure calendar is only in session one day per week. To address this backlog, I would immediately expand the number of days that the dedicated foreclosure calendar is in session. In addition, I would assess and implement an appropriate performance measure to insure that the backlog is eliminated and does not reoccur.

One of the primary and continuing criticisms of the Landlord and Tenant Court is that citizens continue to spend an inordinate amount of time in Court before their cases are addressed by an assigned judge. Efforts were made to have a second court start earlier than the 11:00 a.m. start time, but that has not yet occurred. As Chief Judge, I would propose operating two Landlord and Tenant Courts with simultaneous start times beginning at 9:00 a.m. to relieve the

long waits for citizens of our city. Having to wait all day in court before one's case is heard and resolved creates other unintended misfortunes for litigants.

Emanating from the Landlord and Tenant Court, the Civil Division created a Housing Conditions Court that gives tenants a forum to insure safe and habitable housing at a time of decreasing housing stock and increasing housing costs. This Court, however, is opened only one day of week and is limited to certain dates, particularly in the winter months. As Chief Judge I would propose expanding these dates, especially in winter months, to address the dire needs of the citizens who need relief from their personal housing conditions.

Senior Judges are generally assigned to the Judge-in-Chambers. Judge-in-Chambers' primary function is to handle emergency criminal and civil matters on a daily basis. In recent years, the explosion of self-represented parties seeking injunctive relief has impacted adversely the Division's ability to timely approve or decline search and arrest warrants. In addition, Judge-in-Chambers does not have the capacity to handle complex and protracted hearings for injunctive relief. To address these urgent threats to the public safety, I would develop a plan, in consultation with my colleagues, to improve staffing for Judge-in-Chambers.

Probate and Tax Divisions

The mission of the Probate Division is to deliver quality of services to the public fairly, promptly, and effectively while recording and maintaining wills, monitoring supervised estates of decedents, incapacitated and developmentally disabled adults and supervising guardianships of mentally challenged adults, minors and certain trusts. Based on the changing demographics in the District of Columbia, the Probate and Tax Divisions are the fastest growing Divisions in the Court. The Probate and Tax Divisions have been assigned four Associate Judges and seven

Senior Judges to handle the increasing number of cases filed in decedent's estates and adult guardianships and conservatorships in the Probate Division. Although the National Probate Court Standards issued by the National College of Probate Court Judges have cited a number of Superior Court resources and procedures as "promising practices" and much has been accomplished in the Probate Division, there is still much to do.

As a presiding judge in the Division, I engaged in discussion with the Council of the District of Columbia on pending legislation which resulted in the Guardianship Amendment Act of 2014. The Act primarily called for caseload reviews of all pending guardianships to determine whether the ward continued to need services or whether capacity of the person had been restored to a point where the individual would be able to resume managing his or her own health and financial affairs. Much discussion and debate occurred over this legislation which now requires the Court to find additional resources for adequate case reviews.

The Act also placed an emphasis on the type and amount of compensation fiduciaries received for the care of the ward. To this end, and anticipating additional legislation, I have charged my Deputy Presiding Judge to chair a Compensation Task Force to address the longstanding issues that have prevailed in awarding fees from an individual's estate or from the Court's guardianship fund. One of the primary roles of the Probate Division is to monitor and audit fiduciary accounts to ensure that the funds of disabled persons and other persons under court supervision are handled properly.

In 2015, through the work of the Probate Division under my leadership, the Superior Court qualified for a grant to form the D.C. Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) initiative. WINGS is a court-community collaborative approach designed to provide solutions for ongoing problems and to initiate sustainable efforts to improve

practices within and around adult guardianships. Similar to the Guardianship Amendment Act, the WINGS initiative attempts to address the rights of the ward by placing the individual in the least restrictive environment allowing for as much independence as possible. Toward this end, individuals who care for the wards should be provided greater access to the Court to address pending issues and complaints. To facilitate access to the courts, the Fiscal 2017 Budget requests a build out of the existing Probate Self-Help Center and staffing of a legal assistant in the Center to handle the increasing number of self-represented litigants with adult guardianships and decedent estate cases.

Based upon the requirements of the Guardianship Amendment Act and the overall increasing caseload in the Probate Division, as Chief Judge, I would assign more Associate and Senior judges to handle these cases. It is my understanding that legislation is being considered before Congress to provide for the Division to be assigned a Magistrate Judge who would have increased authority to resolve many types of cases pending in the Probate Division. The Fiscal 2017 Budget request calls for the addition of the three full-time equivalents staff members in the Probate Division to further ensure efficient operations and to maintain public service.

Senior Judges

The Senior Judges are a dedicated group of professionals with a wealth of experience who work tirelessly to help with cases. Their service needs to be fostered. The services of a Senior Judge are essential to the Court's goal of achieving the fair and expeditious disposition of cases. As Chief Judge, I would nurture their involvement by including them in the decision-making on the calendars for which they are responsible and in the leadership of the Court. They have a wealth of knowledge which should not be overlooked.

Court Technology

The mission of the Information Technology (IT) Division is to provide quality services, cost-effective technology solutions, and accessible information to assist judicial and administration decision-making and timely case resolution. The Division is not accomplishing its mission as evidenced by court-wide shutdowns of all courtroom operations within the month of April 2016 to address system failures. Such performance is unacceptable and prevents the timely resolution of cases. To immediately address the failing IT infrastructure, the Court must reprogram resources from technological conveniences for a limited population to core IT functions. The Court operations will grind to a halt if our core IT infrastructure cannot support courtroom operations and staff are forced to use computers with obsolete browsers and search engines.

VIII. CONCLUSION

The mission of the Superior Court of the District of Columbia is to preserve the rule of law and protect public safety while fairly and timely resolving cases and controversies given the changing needs of the community. To do so, the Court has engaged in many efforts to promote access to justice, provide prompt decision making and achieve fairness by engaging court participants, stakeholders, staff and the judiciary to elicit input about how to improve court services, processes, procedures and initiatives to better serve District residents and court users. Our vision: Open to all, Trusted by all and Justice for all is best realized when the court embraces those values and infuses that message throughout court practice and tradition. Time and time again, the Court, through the implementation of problem-solving courts, Self-Help Centers, language interpretation services, pro se forms and form orders, and collaborative partnerships with bar and agency stakeholders, has strived to make justice accessible to public and court participants at large. This twenty-first century approach of sensitivity to the changing times and needs of the public has been critical as we confront new challenges and make progress through the use of technology and training to enhance the Court's ability to keep abreast of best practices and ably serve the citizens of the District of Columbia.

If provided the opportunity to become Chief Judge, I will work to continue the great progress the Court has achieved since the court reorganization Act of 1971 to this date. As new challenges confront us, I will draw on the experience of bench, bar, agency leaders and community to collaboratively resolve matters fairly and justly consistent with the Court's mission. Additionally, I will continue to spread technology court-wide to increase access to justice. I will also monitor the timely disposition of cases through court-wide performance standards and expect that litigants, attorneys, judges, staff, and court personnel will conduct

themselves and treat others respectfully. I believe that inclusiveness and utilization of the talents of all is critical to engaging the workforce and creating a supportive work environment. If honored to assume the position of Chief Judge, these ideals would be core to my vision for the Court.

IX. APPENDICES

- A. Resume of Judge Erik Patrick Christian
- B. Letter dated March 30, 2016, from D.C. Commission on Judicial Disabilities and Tenure to President Barack H. Obama
- C. Trial Juror Letters
- D. Thank you comments and notes from my Colleagues
- E. Ineffective Assistance of Counsel order pursuant to §23-110
- F. Commendation note from the Chief Judge
- G. Written Opinion and Order in Aguilar v. Wash. Harbour and Appellate Order Affirming Decision
- H. Written Opinion and Order in Rosen v. AIPAC
- I. Written Opinion and Order in Monteilh v. AFL-CIO
- J. Written Opinions and Orders in Betty L. Henderson and Smith v. Estate of Fields
- K. Judge Erik P. Christian DCCA Appellate Record
- L. Select Student comment sheets and evaluations from law schools
- M. Select Student Interns' Thank-you notes
- N. Community Service as Mock Trial Judge in Regional Trial Competitions